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6 Attorneys for Plaintiff
7 J & J Sports Productions, Inc.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 J & J SPORTS PRODUCTIONS, INC.,

12 Plaintiff,

13 v.

14 JESUS NAVA, et al.

15 Defendant.
16

CASE NO. 3:11-cv-02127-CRB

PLAINTIFF'S THIRD *EX PARTE*
APPLICATION FOR AN ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AND EXTENDING
TIME TO COMPLETE SERVICE; AND
ORDER ~~(Proposed)~~

17 TO THE HONORABLE CHARLES R. BREYER, THE DEFENDANT/S AND HIS
18 ATTORNEY/S OF RECORD:

19 As of this date, Plaintiff has been unable to successfully serve its initiating suit papers upon
20 defendant Jesus Nava, individually and d/b/a La Casita Chilanga.

21 WHEREFORE, Plaintiff makes the following representations and recommendations:

- 22
- 23 1. On April 29, 2011, Plaintiff's Complaint was filed against Defendants Jesus Nava,
24 individually and d/b/a La Casita Chilanga.
 - 25 2. Plaintiff has *still* not perfected service of the initiating suit papers upon the Defendant,
26 Jesus Nava, despite diligent¹ efforts to do so. (Please see three (3) Not Found or Not Service Return
27 and one Status Report form attached hereto and made part hereof Plaintiff's Exhibit 1).
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¹ As of this writing Plaintiff has made eleven (11) separate attempts at service of the initiating suit papers. (Please see Plaintiff's Exhibit 1).

3. Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order further continuing the Case Management Conference presently set for December 16, 2011 at 8:30 AM. As set forth below, Plaintiff respectfully requests this Honorable Court continue the Case Management Conference and extend the time to complete service an additional Thirty (30) days.

4. Although Plaintiff's counsel was recently informed that the defendant has "moved to Mexico," Plaintiff respectfully requests this additional continuance of time to skiptrace the defendant and determine *conclusively* whether such is the case. In the event it is determined Defendant has relocated to Mexico, Plaintiff's counsel will seek no further extensions in this action and will either dismiss the defendant outright or seek to effect service by publication within the additional days granted by way of this Application from this Honorable Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court continue the Case Management Conference, presently scheduled for December 16, 2011 at 8:30 AM and permit Plaintiff an additional Thirty (30) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to the named defendant.

Respectfully submitted,

Dated: December 8, 2011

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number 3:11-cv-02127-CRB styled *J & J Sports Productions, Inc. v. Jesus Nava, et al.*, is hereby continued from 8:30 AM, December 16, 2011 to Friday, January 13, 2012 at 8:30 .m.

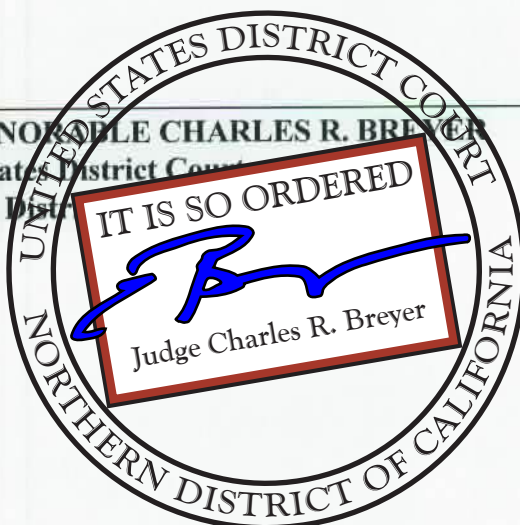
Plaintiff is granted an additional thirty (30) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to defendants Jesus Nava individually and d/b/a La Casita Chilanga, where service has not been made or service by publication requested.

Plaintiff shall serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:

Dated: December 12, 2011

THE HONORABLE CHARLES R. BREYER
United States District Court
Northern District of California



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